

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA : **Criminal No. 7:20cr365(PMH)**

V. :

TERRY DUNCAN : **December 8, 2021**

ORDER FOR COMPETENCY EVALUATION OF DEFENDANT

By oral motion dated December 6, 2021, the defendant, Pursuant to 18 U.S.C. § 4241 (a), requested that the Court order a competency evaluation determine whether the defendant is currently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him or to assist properly in his defense.

The Court, having reviewed that motion and having had an opportunity to observe the defendant in Court, GRANTED the defendant's motion,

FURTHER, IT IS HERBY ORDERED, pursuant to 18 U.S.C. § 4247(B), that the Bureau of Prisons, insofar as the defendant is currently incarcerated, conduct a psychiatric and psychological examination of the defendant to determine his competency, and to determine if he is currently suffering from a mental disease or defect.

IT IS FURTHER ORDERED, pursuant to 18 U.S.C § 4247 (c), that a report of examination be prepared and furnished to the Court, counsel for the defendant, and counsel for the government, within 60 days hereof.

IT IS FURTHER ORDERED that no statement, testimony, or other evidence made or provided by the defendant during or as a result of any court-ordered competency evaluation, no testimony or report of any expert based upon such statement, testimony or evidence, and no other

fruits of such statement, testimony or evidence shall be admitted in evidence or otherwise used against the defendant in any criminal proceedings except on an issue respecting competency.

Respectfully submitted,

Terry Duncan

/s/ Francis L. O'Reilly

Francis L. O'Reilly
O'Reilly and Shaw
Fairfield, CT 06824
TEL: (203) 319-0707
FAX: (203) 319-0128
Fed. Bar No. FO0785

SO ORDERED this 10th day of December, 2021



Hon. Philip M. Halpern
United States District Judge

***** The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 34. *****